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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,345	02/19/2004	Behram Dacosta	50T5722.02	5398
36738 7590 12/03/2008 ROGITZ & ASSOCIATES 750 B STREET SUITE 3120 SAN DIEGO, CA 92101				
EXAMINER				
HOSSAIN, TANIM M				
ART UNIT		PAPER NUMBER		
2445				
MAIL DATE		DELIVERY MODE		
12/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/782,345

Applicant(s)

DACOSTA, BEHRAM

Examiner

Tanim Hossain

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-29 is/are pending in the application.
4a) Of the above claim(s) 14-29 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 2, 4-13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 4-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayers (U.S. 2005/0083882).

As per claim 1, Sayers teaches a system comprising: at least one wireless system server having at least a primary communication system (paragraphs 0020-0023, 0026-0028); and at least one wireless component having at least a primary communication system configured for communicating with the primary communication system of the server, wherein the component sends configuration information to the server using a secondary communication system that is out-of-band with the primary systems, the configuration information including at least one of: encryption key, media access address, or network name (0020-0023, 0026-0028, 0041-0042). Sayers does not specifically teach that the system is a home entertainment system. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ability to employ this functionality into a home entertainment system, where components send configuration information to a server. The motivation for doing so lies in the fact that the stated problems, namely security and the prevention of signal interception, also exist in a home

entertainment system as it does in the computing system of Sayers. Employing these concepts into a home entertainment system would prevent intrusion by attackers, would enhance security, and would have been envisioned by one of ordinary skill in the art.

As per claim 2, Sayers teaches the system of claim 1, wherein the server sends configuration information using a secondary communication system to the component (0020-0023, 0026-0028, 0041-0042).

As per claim 4, Sayers teaches the system of claim 1, but does not specifically teach that the secondary communication system includes at least one removable media drive and at least one media component removably engageable with the drive. It would have been obvious to one of ordinary skill in the art to include the ability to include disk drives or smart card functionality, for example, to assist in the configuration process. Such concepts are well known in the art of computing, such that disks may contain configuration information, for example, and constitute design choices rather than a patentable distinction.

As per claim 5, Sayers teaches the system of Claim 1, wherein the secondary communication system is an infrared system, each of the server and the component having at least one respective IR port, the configuration information being exchangeable through the ports (0020-0023, 0026-0028).

As per claim 6, Sayers teaches the system of claim 5, wherein the configuration information is exchangeable only when the ports are aligned with each other in line of sight of each other (0020-0023, 0026-0028).

As per claim 7, Sayers teaches the system of claim 5, but does not specifically employ the use of a remote control establishing a relay node. It would have been obvious to include the

ability to use a remote control device establishing a relay node between the ports. These methods constitute a well known method through which out-of-band communication may take place. As Sayers teaches out-of-band communication, the inclusion of this particular type of out-of-band communication constitutes a design choice rather than a patentable distinction.

As per claim 8, Sayers teaches the system of claim 1, wherein the secondary communication system is a near field system that requires a communication distance between the component and server of less than about twenty five feet to permit exchange of the configuration information (0020-0023, 0026-0028).

As per claim 9, Sayers teaches the system of claim 8, wherein the configuration information is exchanged automatically between the server and component when the distance between them is within the communication distance (0020-0023, 0026-0028).

As per claim 10, Sayers teaches the system of claim 8, but does not specifically teach exchanging communication information when the user manipulates a button on the server or the component. It would have been obvious to one of ordinary skill in the art to include the ability to press a button on the component and server to exchange information. This concept is common in the art of information exchange, and constitutes a design choice rather than a patentable distinction.

As per claim 11, Sayers teaches the system of claim 1, wherein the secondary communication systems are personal area networks (0020-0023, 0026-0028).

As per claim 12, Sayers teaches the system of claim 1, wherein the primary communication system is an 802.11 system (0020-0023, 0026-0028).

As per claim 13, Sayers teaches the system of claim 12, but does not specifically teach that the server is a set-top box receiver. Sayers teaches that the server may be a computer or a base station, for example. As such, it would have been obvious to one of ordinary skill to employ the server as a set-top box receiver. The use of such receivers is common in the art of communication services, and constitutes a design choice rather than a patentable distinction.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is (571)272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571/272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2445

Tanim Hossain

Patent Examiner

Art Unit 2445

/Larry D Donaghue/

Primary Examiner, Art Unit 2454